

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA

IN RE: JOHNS, ROBERT L. (L4SSN: 9895)  
JOHNS, SONYA L. (L4SSN: 8108)  
Debtor(s)

CASE NO. 14-10754

CHAPTER 13 PROCEEDING

**MOTION FOR MODIFICATION OF PLAN BEFORE CONFIRMATION**

The debtor, under the authority of Section 1323 of the Bankruptcy Code, files this motion for modification of plan and respectfully shows:

1.

Debtor withdraws the Chapter 13 plan heretofore filed and substitutes in lieu thereof a new plan to pay \$1,020.00 per month. A copy of the new plan is attached hereto.

2.

After notice and opportunity for objections, the new plan should become the debtor's plan.

3.

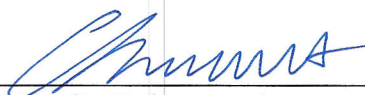
Reason for Amendment: To put mortgage payments inside the Plan; To adjust mortgage arrearages; To provide luxury dividend for golf cart and travel trailer.

**WHEREFORE**, the debtor prays that this motion for modification of plan be approved.

Date

1/21/15

Attorney for Debtor



**DOCUMENT PREP. BY: CHARLES R. "CHAD" HUNT** ♦ STATE BAR GA. 0378493 ♦ 112 EAST LEE STREET ♦  
DAWSON, GEORGIA 39842 ♦ Fax Available on Request PH.(229)995-4868  
E-mail: [chadhuntlaw@gmail.com](mailto:chadhuntlaw@gmail.com)

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UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA

JOHNS, ROBERT L. (L4SSN: 9895),  
JOHNS, SONYA L. (L4SSN: 8108)  
Debtor (s)

\* Chapter 13

\* Case No. 14-10754

1<sup>st</sup> AMENDED CHAPTER 13 PLAN (BEFORE CONFIRMATION)

1. The future earnings of the debtor(s) are submitted to the supervision and control of the trustee and the debtor(s) (or the debtor's(s') employer) shall pay to the trustee the sum of **\$1,020.00 monthly**.
2. From the payments so received, the trustee shall make disbursements as follows:
  - (a) The trustee percentage fee as set by the United States Trustee.
  - (b) The monthly payments will be made on the following **LONG-TERM DEBTS**: (Payments which become due after the filing of the petition but before the month of the first payment designated here will be added to the pre-petition arrearage claim.)

<u>NAME OF CREDITOR</u>	<u>MONTH OF FIRST PAYMENT UNDER PLAN</u>	<u>MONTHLY PAYMENT</u>
Seterus	April 2015	\$534.04

- (c) Preconfirmation **ADEQUATE PROTECTION** payments will be made to the following secured creditors and holders of executory contracts after the filing of a proof of claim by the creditor. These payments will be applied to reduce the principal of the claim.

<u>NAME OF CREDITOR</u>	<u>ADEQUATE PROTECTION AMOUNT</u>
First State Bank of Blakely	\$80.00

- (d) The following claims are not subject to cram down because debts are secured by a purchase money security interest in a vehicle for which the debt was incurred **WITHIN 910 DAYS** of filing the bankruptcy petition, or, if the collateral for the debt is any other thing of value, the debt was incurred **within one year** of filing. See § 1325(a)

<u>NAME OF CREDITOR</u>	<u>AMOUNT DUE</u>	<u>INTEREST RATE</u>	<u>COLLATERAL</u>	<u>MONTHLY PAYMENT</u>
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(e) After confirmation, **SECURED CREDITORS** with allowed claims will be paid as follows:

<u>NAME OF CREDITOR</u>	<u>AMOUNT DUE</u>	<u>VALUE</u>	<u>INTEREST</u>	<u>COLLATERAL</u>	<u>MONTHLY PAYMENT</u>
1 <sup>st</sup> State Bank of Blakely	\$12,958.00	\$15,448.00	4.25%	2 Vehicles & Trailer	\$240.00
1 <sup>st</sup> State Bank of Blakely	\$543.00	\$2,466.00	4.25%	'98 Toyota(180M+)	\$10.00

(f) \*Attorney fees ordered pursuant to 11 U.S.C. § 507(a)(2) at \$175/hour to be paid as follows: Pursuant to the Administrative Order of January 20, 2011.

(g) After the above are paid, distributions will be made to **CURE ARREARAGES** and other secured debts whose claims are duly proven and allowed as follows

<u>NAME OF CREDITOR</u>	<u>AMOUNT DUE</u>	<u>VALUE</u>	<u>INTEREST RATE</u>	<u>COLLATERAL</u>	<u>ESTIMATED PAYMENT</u>
Seterus	\$6,501.00	N/A	4.25%	Mtg. Arr.	\$130.00

(h)The following collateral is **SURRENDERED** to the creditor:

<u>NAME OF CREDITOR</u>	<u>DESCRIPTION OF COLLATERAL</u>
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(i) The following **DOMESTIC SUPPORT** obligations will be paid over the life of the plan (unless otherwise specified below). Arrearages made through the Trustee will be made simultaneously with payment of the secured debt to the extent funds are available at 0% interest. If Debtor's child support obligation for current support is proposed to be paid outside of the terms of this Plan, through a child support agency, said agency is authorized to utilize any mechanism authorized by law, including, but not limited to, those mechanisms detailed in 11 U.S.C. § 362(b)(2) to collect or to review and modify any child support obligation.

<u>NAME OF CREDITOR</u>	<u>CURRENT PAYMENT</u>
_____([son/daughter], age _____)	\$_____/month

(j) The following claims are **CLASSIFIED** to be paid at 100%, unless otherwise specified below. These payments will not be made simultaneously with payment of the secured debt:\_\_\_\_\_

(k) All other 11 U.S.C. § 507 **PRIORITY** claims, unless already listed under 2(g), will be paid in full over the life of the plan as funds become available in the order specified by law. {\$\_\_\_\_\_/month} to IRS @ \$\_\_\_\_\_/month} {\$\_\_\_\_\_ to GA Rev @ \$\_\_\_\_\_/month}.

(l) The debtor(s) will be the **DISBURSING agent** on the following debts: **Debtors will make mortgage payments directly to Seterus for January, February and March 2015; Trustee will begin to make mortgage payments to Seterus beginning April 2015.**

(m) Special provisions:(1) "Long Term" debt shown in paragraph 2(b) and debts shown in paragraph 2(l) above shall retain the lien securing such claim until the completion of the payment of the underlying debt as determined under non bankruptcy law. Any other allowed secured claim provided for by this plan shall retain the lien securing such claim: However, within thirty (30) days of either; (a)completion of the payment of the underlying debt as determined under nonbankruptcy law, or (b)discharge from bankruptcy {whichever shall occur first}, the holder of such claim shall release its lien and return any title documents to the owner as listed on the Certificate of Title (unless there is a joint "Owner" on the Certificate of Title who is not protected under the bankruptcy) with the lien satisfied. {Including, any secured debt on any vehicle or mobile home.}

(2) Collateral being paid for by the debtor does not revert upon confirmation.

(3) Debtor will not protect any CO-SIGNERS on any debts unless otherwise specified above.



(4) To the extent allowed under 11 USC §522(f), upon discharge, all non-possessory liens and/or judicial liens {except those for domestic support obligations under 11 USC §523(a)(5)} will be avoided, and all Creditors shall cancel said lien(s) of record within fifteen (15) days of notice of discharge. These Creditors shall include, but are not limited to the following:

**JUDGMENTS:** \_\_\_\_\_

**NPHGS:** \_\_\_\_\_

(5) No student loans will be paid through the bankruptcy unless otherwise specified herein.

(6) PAYROLL DEDUCTION has already been requested from: Bainbridge State College.

(7) Debtor proposes to reject the following executory contract(s): \_\_\_\_\_.

(8) Debtor proposes to assume the following executory contract(s): \_\_\_\_\_.

**(9) Reason for Amendment: To put mortgage payments inside the Plan; To adjust mortgage arrearages; To provide luxury dividend for golf cart and travel trailer.**

(n) Debtor(s) will make payments that will meet all of the following parameters (these are not cumulative, debtors will pay the highest of the three)

(i) Debtor will pay all of his disposable income as shown on Form B22C of \$0.00 to the non priority unsecured creditors in order to be eligible for a discharge. {cmi}

(ii) If the debtor filed a Chapter 7 case, the unsecured creditors would receive \$0.00. Debtor will pay this amount to the priority and other unsecured creditors in order to be eligible for discharge. {unex}

(iii) The debtor will pay \$6,500.00 to the general unsecured creditors to be distributed prorata.  
{lux/inc/stu/other} {lux golf cart/ travel trailer}

(o) General unsecured creditors whose claims are duly proven and allowed will be paid (choose one only)

(i) \$6,500.00 as long as this dividend exceeds the highest amount, if any, shown in paragraph (n)(i), (n)(ii) or (n)(iii), and the debtor pays in at least 36 monthly payments to be eligible for discharge.


(ii) The debtor(s) will make payments for \_\_\_\_\_ months and anticipates a dividend of \$ \_\_\_\_\_, but will also exceed the highest amount shown in paragraph (n)(i), (n)(ii) or (n)(iii) above.

(p) Unless otherwise ordered by the court, all property of the estate, whether in the possession of the trustee or the debtor, remains property of the estate subject to court's jurisdiction, notwithstanding §1327(b), except as otherwise provided in paragraph (m) above. Property of the estate not paid to the trustee shall remain in the possession of the debtor. All property in the possession and control of the debtor shall be insured by the debtor. The chapter 13 Trustee will not and is not required to insure assets and has no liability for injury to any person, damage or loss to any property in possession and control of the debtor or other property affected by property in possession and control of the debtor.

(q) Notwithstanding the proposed treatment or classification of any claim in the plan confirmed in this case, all lien avoidance actions or litigation involving the validity of liens, or preference action will be reserved and can be pursued after confirmation of the plan. Successful lien avoidance or preference actions will be grounds for modification of the plan.

Date

1/21/15

  
Charles R. Hunt, Atty for Debtor

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CASE NO. 14-10754

CHAPTER 13 PROCEEDING

**NOTICE TO MODIFY CHAPTER 13 PLAN BEFORE CONFIRMATION**

A. DEBTOR HAS FILED PAPERS WITH THE COURT TO MODIFY THE CHAPTER 13 PLAN, UNDER THE AUTHORITY OF SECTION 1323 THE BANKRUPTCY CODE.

**B. YOUR RIGHTS MAY BE AFFECTED BY THE ABOVE MOTION. YOU SHOULD READ THESE PAPERS CAREFULLY AND DISCUSS THEM WITH YOUR ATTORNEY, IF YOU HAVE ONE IN THIS BANKRUPTCY CASE. (IF YOU DO NOT HAVE AN ATTORNEY, YOU MAY WISH TO CONSULT ONE.)**

C. IF YOU DO NOT WANT THE COURT TO APPROVE THE NEW PLAN, OR IF YOU WANT THE COURT TO CONSIDER YOUR VIEWS ON THE MOTION THEN YOU AND/OR YOUR ATTORNEY MUST ATTEND THE HEARING SCHEDULED TO BE HELD ON FEB 10, 2015, AT 9:00 A.M., AT **C. B. KING U.S. COURTHOUSE, 2<sup>ND</sup> FLOOR, U.S. BANKRUPTCY COURTROOM, 201 BROAD AVE., ALBANY, GA, 31701.**

[C1. IN THE EVENT, AND ONLY IN THE EVENT, THAT THIS NOTICE IS SERVED **LESS THAN 25 DAYS BEFORE THE SCHEDULED HEARING DATE** THEN A CONTINUANCE OF THE HEARING WILL BE REQUESTED AT THE HEARING FOR CONFIRMATION TO BE CONTINUED TO \_\_\_\_\_, 20\_\_\_\_, AT \_\_\_\_\_ [A.M./P.M.]

D. IF YOU AND YOUR ATTORNEY DO NOT TAKE THIS STEP, THE COURT MAY DECIDE THAT YOU DO NOT OPPOSE THE ACTION SOUGHT IN THE MOTION AND MAY ENTER AN ORDER GRANTING THAT MOTION.

E. IF YOU OBJECT TO THIS MODIFICATION, THE OBJECTION MUST BE FILED NOT LATER THAN 7 DAYS PRIOR TO THE DATE SPECIFIED IN PARAGRAPH C, ABOVE. IF YOU MAIL YOUR RESPONSE TO THE COURT FOR FILING, YOU MUST MAIL IT EARLY ENOUGH FOR THE COURT TO RECEIVE IT ON OR BEFORE THIS DATE. FILE YOUR ORIGINAL RESPONSE WITH THE UNITED STATES BANKRUPTCY COURT **MAILING ADDRESS: CLERK OF BANKRUPTCY COURT, P.O. BOX 1957, MACON, GA 31202, PH: 478-752-3506.**

F. ANY OBJECTION MUST ALSO BE MAILED TO THE DEBTOR'S ATTORNEY, AND TO CHAPTER 13 TRUSTEE, P.O. BOX 1907, COLUMBUS, GA 31902, AND THE U.S. ATTORNEY, TRUSTEE, 433 CHERRY ST., SUITE 150, MACON, GA 31201.

**BNK-ALL CREDITORS CERTIFICATE OF SERVICE:** This is to certify that I have this day served all creditors, the standing Trustee, and the U.S. Trustee, as more specifically shown on the attached list of creditors, with a copy of the foregoing matters by depositing in the United States Mail a copy of same in a properly addressed envelope with adequate postage thereon by hand-delivery or by electronic notice.

Date

1/21/15

Chumuck  
Attorney for Debtor

**DOCUMENT PREP. BY:** CHARLES R. "CHAD" HUNT ♦ STATE BAR GA. 0378493 ♦ 112 EAST LEE STREET ♦ DAWSON, GEORGIA 39842 ♦ Fax Available on Request PH.(229)995-4868  
E-mail: [chadhuntlaw@gmail.com](mailto:chadhuntlaw@gmail.com)

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BANK OF AMERICA  
PO BOX 982235  
EL PASO TX 79998

CHAPTER 13 TRUSTEE  
PO BOX 1907  
COLUMBUS GA 31902

COMENITY/PEEBLES  
PO BOX 182782  
COLUMBUS OH 43218-2782

FEDERAL NATIONAL MORTGAGE ASSOC C/O  
SETERUS C/O MCCALL RAYMER LLC  
BANKRUPTCY DEPT  
1544 OLD ALABAMA RD  
ROSWELL GA 30076

FIRST STATE BANK OF COLQUITT  
DIVISION OF FIRST STATE BANK OF BLAKELY  
PO BOX 126  
COLQUITT GA 39837

GA DEPARTMENT OF REVENUE  
1800 CENTURY BLVD NE  
ATLANTA GA 30345-3205

GEGRB/BELK  
ATTN: BANKRUPTCY DEPT.  
PO BOX 103104  
ROSWELL GA 30076

IRS  
PO BOX 7346  
PHILADELPHIA PA 19101-7346

MICHAEL HUNTER  
6371 FIRST KOLOMOKI ROAD  
BLAKELY GA 39823

PIONEER COMM HOSPITAL OF EARLY  
PO BOX 1100  
BLAKELY GA 39823

ROBERT & SONYA JOHNS  
6539 1ST KOLOMOKI RD.  
BLAKELY GA 39823

SETERUS, INC.  
C/O MCCALLA RAYMER, LLC  
1544 OLD ALABAMA ROAD  
ROSWELL GA 30076

SETERUS, INC.  
PO BOX 2008  
GRAND RAPIDS MI 49501-2008

SOUTHEAST ALABAMA PAIN MANAGEMENT  
208 HAVEN DRIVE  
DOTHAN AL 36301

SOUTHERN BONE & JOINT SPECIALISTS  
PO BOX 729  
DOTHAN AL 36302

U.S. TRUSTEE  
440 MARTIN LUTHER KING JR BLVD  
SUITE 302  
MACON GA 31201

UNITED STATES ATTORNEY GENERAL  
950 PENNSLYVANIA AVE NW  
WASHINGTON DC 20530-0001

UNITED STATES ATTORNEYS OFFICE  
PO BOX 1702  
MACON GA 31202